

Upper Tribunal Lands Chamber procedure flowchart

For appeals from The First-tier Tribunal (Property Chamber) in England and the Leasehold Valuation and Residential Property Tribunals in Wales

The procedure flowchart on the following pages is designed to assist both appellants and respondents by giving an overview of the process that the Tribunal follows in respect of appeals from decisions of the First-tier Tribunal (Property Chamber) and the Leasehold Valuation and Residential Property Tribunals in Wales. It is not a substitute for consulting the legislation relating to your case, the Rules and the Practice Directions, Practice Statement, or from taking professional advice from a solicitor or a chartered surveyor. Depending upon the exact nature of the case the Tribunal may either direct that additional steps be taken or that certain steps be omitted.

For your guidance

- The Tribunal's Rules, Practice Directions, Practice Statement, forms, information about the fees it charges and its recent decisions are available on the Tribunal's website, www.gov.uk/appeal-upper-tribunal-lands
- The Tribunal's staff can answer questions about the Tribunal's processes but they
 cannot give you legal advice nor can they advise you on what is best for your case.
 If you are in doubt you should seek independent legal advice or the advice of a
 chartered surveyor.
- Once commenced, proceedings must be disposed of with all reasonable speed.
 The Tribunal will hear the case as soon as it can, but the parties must also do what
 is required of them within the timescales set. The Tribunal will allow a short stay of
 proceedings where the parties agree to seek Alternative Dispute Resolution, such as
 mediation, but it will not delay the progress of a case simply to allow negotiations
 to continue.

- If you cannot comply with a step or direction within the timescale set, you may apply to the Tribunal for an extension of time.
- Extensions will be granted only where the applicant shows good reason. All
 applications during the course of the case, including applications for extensions
 of time, must be accompanied by the Tribunal's fee of £110 made payable to 'HM
 Courts and Tribunals Service'. They must also set out fully the reasons for the
 application and you must confirm that a copy of it has been sent to the other party.
- Unless otherwise directed (either by the rules or by a specific direction) a party sending a document to the Tribunal should send one copy only.
- The Tribunal may not order a party to an appeal to pay costs incurred by another
 party in connection with the appeal unless the party ordered to pay costs or their
 representative has behaved unreasonably in bringing, defending or conducting the
 proceedings, and such sum shall be limited to £500.
- In this document all references to the Property Chamber should also be taken to apply also to appeals from the Leasehold Valuation and Residential Property Tribunals in Wales.

Applying for permission to appeal

Step 1

If the Property Chamber has already given permission to appeal go to Step 9 on page 4. If the Property Chamber has refused permission to appeal go to Step 2.



Step 2

Appellant contacts the Tribunal's office. The Tribunal sends/gives the appellant a form for application for permission to appeal, explanatory leaflet and procedure flowchart.

Alternatively, the appellant may obtain the form and documents from the Tribunal's website.

Application for permission to appeal must be received by the Tribunal within 14 days of the Property Chamber's decision refusing permission to appeal.

Step 3

Appellant sends the application for permission to appeal, supporting documents and the application fee to the Tribunal.

The Tribunal's fee for an application for permission to appeal is £220.

Step 4

The Tribunal acknowledges the application and gives it a case number.



Step 5

Except where the Tribunal decides to dismiss the application without requiring representations from the other party under Rule 21(8), the Tribunal sends a copy of the application to the other party to the proceedings in the Property Chamber. The other party is asked to say if they wish to make representations in respect of the application.

The other party is given 14 days to send in their representations.



Step 6

Other party sends in their representations.

Step 7

The Tribunal considers the application and the other party's representations usually without a hearing. The Tribunal's decision is sent to the parties.



Step 8

If permission to appeal is refused, the matter ends here. If permission to appeal is given go to Step 9 on page 4.

Commencing an appeal

Step 9

The appellant must send Notice of Appeal to the Tribunal so that it is received by the Tribunal within one month of either the Property Chamber or the Tribunal having sent the appellant permission to appeal. It must be accompanied by copies of the documents set out in Rule 24(4), the lodging fee and the appellant's Statement of Case.

The lodging fee is £275.

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Step 10

The Tribunal sends a copy of the Notice of appeal and other documents it has received to the other party to the proceedings in the Property Chamber and asks them if they wish to be a respondent to the appeal.



Step 11

The other party must, if they wish to respond to the appeal, send a Respondent's Notice to the Tribunal and to the appellant so that it is received by the Tribunal within one month of the Tribunal sending a copy of the Notice of Appeal to the Respondent.

Step 12

Respondent sends to the Tribunal and to the appellant their Respondent's Notice and Statement of Case.

Within one month of the Tribunal sending a copy of the Notice of Appeal to the Respondent.



Step 13

Appellant may send to the Tribunal and the respondent a reply to the Respondent's statement of case.

Within one month of receiving a copy of the Respondent's Notice.



Step 14

The parties are informed which procedure the Registrar has directed will be followed. For the standard procedure continue to page 5. For the special procedure now go to page 6.

For the simplified procedure now go to page 7. For the written representations procedure, go to page 8.

Standard procedure

Step 15

Both parties are directed to send to the Tribunal and to exchange with the other party their expert witnesses' reports and statements of witnesses of fact.

The parties will be given two months to send in and exchange their experts' reports and witness

Step 16

The parties send in and exchange their expert witnesses' reports and statements of witnesses of fact

Step 17

The Tribunal sends listing questionnaires to both parties asking for their availability dates for the hearing, preferred venue and time estimate for the duration of the hearing.

The parties will be given 14 days to reply.

Step 18

The parties reply to the listing questionnaires. But if a party does not reply, the Tribunal may list the hearing at a venue and on dates that may not be convenient to the party.

Step 19

The Tribunal fixes the hearing. The parties are notified of the date(s) and venue. The parties must inform their witnesses

Step 20

The Appellant must consult with the Respondent and prepare and send to the Tribunal a Statement of agreed facts and issues.

The Statement of agreed facts and issues must be sent to the Tribunal so it is received not less than 14 days before the hearing.

Step 21

The hearing takes place.
The Tribunal Member
may inspect the site and
necessary comparable sites
before or after the hearing.
The decision is usually
given later in writing.

Step 20

The Tribunal's decision is sent to the parties. The Appellant must pay the hearing fee, unless the Tribunal directs the Respondent to pay it.

The hearing fee is 2% of the amount determined by the Tribunal, subject to a minimum fee of £275 and a maximum fee of £16,500.

Special procedure

Step Special A

The appeal is allocated to a Member of the Tribunal to supervise in conjunction with the registrar. The parties are notified of a case management hearing to be held by the Member.



Step Special B

The case management hearing takes place. The Member gives directions tailored to the case in question. However, they will include directions for the parties to send to the Tribunal and to exchange with each other Statements of Case (if they have not already been done) and the disclosure of expert and other witness evidence and documents.



Step Special C

Subject to any particular directions the Member gives at the case management hearing, the procedure followed will broadly be that of the standard procedure which commences at Step 15 on page 4. However, further case management hearings may be held or the case listed for hearing.

Simplified procedure

Step A

The Tribunal will fix the hearing date, usually about three months ahead (subject to courtroom availability) and notify the parties.



Step B

Not less than one month before the hearing date, each party must send to the other copies of all documents that they intend to rely on.



Step C

Not less than 14 days before the hearing date, each party must send to the other party copies of any expert witnesses' report that they wish to rely on, and a list of the witnesses that they will be calling.

Step D

Not less than 7 days before the hearing date, the appellant must send to the Tribunal a Statement of agreed facts and issues.



Step E

The final hearing takes place, almost always being completed in a single day. The Member hearing the case usually gives their decision later in writing.



Step F

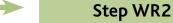
The Tribunal's hearing fee must be paid by the appellant, unless the Tribunal directs the respondent should pay it.

The hearing fee is 2% of the amount awarded or determined, subject to a minimum fee of £275 and a maximum fee of £16,500, or if no amount is awarded, £550.

Written Representations procedure

Step WR1

At any time during one of the other procedures the parties may apply to the Tribunal for the appeal to be determined by way of written representations rather than at an oral hearing.



When an application is made the Tribunal decides whether or not it will direct the written representations procedure to be used.

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If the Tribunal refuses the application the appeal continues under one of the other procedures.

Step WR3

Step WR4

If the Tribunal grants the application it will direct a timetable for filing and service of the written representations. The appellant will normally be given one month to send their written representations to the Tribunal and send a copy to the respondent.

Step WR5

The respondent submits their written representations within the time directed, normally within one month of receipt of the appellant's written representations..

Step WR6

The appellant sends to the Tribunal and to the respondent a response to the respondent's written representations. The Appellant will normally be given 14 days to do so.

Step WR7

Once the parties, written representations are received, the Tribunal will determine the appeal. Its decision will be sent to the parties. Normally, no costs orders are made in cases determined under the written representations procedure.

The determination fee is 2% of the rateable value as determined by the Tribunal subject to a minimum fee of £275 and a maximum of £16,500, or if no amount is awarded £550.